

MHH
Eastern Division
Cook

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

2-11-2009

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JOHN HARPER

FILED

MARCH 27, 2009

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

09CV878

JUDGE HIBBLER

MAG. JUDGE MASON

VS.
Cook County SHERIFF

C.O. DAVIS

Cook County SHERIFF

JANE DOE

Cook County SHERIFF

MS LEE

Cook County SHERIFF

FERGUSON

Cook County SHERIFF

SUPERINTENDENT SNOOK

I.D.O.C. LAW CLERK

SHARON L. McCURKIE

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

ALL DEFENDANTS SUED
IN HIS OFFICIAL AND
INDIVIDUAL CAPACITIES

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: JOHN HARPER
- B. List all aliases: NONE
- C. Prisoner identification number: N51944
- D. Place of present confinement: PINCKNEYVILLE
- E. Address: P.O. 999 PINCKNEYVILLE, IL 62274

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: MR COOK COUNTY SHERIFF DAVIS
 Title: DEPARTMENT OF CORRECTIONS OFFICER
 Place of Employment: COOK COUNTY JAIL
- B. Defendant: COOK COUNTY SHERIFF JANE DOE
 Title: DEPARTMENT OF CORRECTIONS OFFICER
 Place of Employment: COOK COUNTY JAIL
- C. Defendant: COOK COUNTY SHERIFF MS^{OR} (MRS) LEE
 Title: DEPARTMENT OF CORRECTIONS OFFICER
 Place of Employment: COOK COUNTY JAIL

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

TO BE AWARDED
COMPENSATORY DAMAGES IN AMOUNT OF 2,000,000
FROM EACH DEFENDANT
TO BE AWARDED
PUNITIVE DAMAGES IN AMOUNT OF 2,000,000 FROM EACH
DEFENDANT
ANY AND ALL OTHER RELIEF THIS COURT SEES PROPER
AND JUST.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 17 day of NOV, 2008

(Signature of plaintiff or plaintiffs)

John Harper

(Print name)

John Harper

(I.D. Number)

N-51944

(Address)

D DEFENDANT: COOK COUNTY SHERIFF FERGUSON
TITLE : DEPARTMENT OF CORRECTIONS OFFICER
PLACE OF EMPLOYMENT: COOK COUNTY JAIL

E DEFENDANT: COOK COUNTY SHERIFF SUPERINTENDENT SNOOK
TITLE : DEPARTMENT OF CORRECTIONS OFFICER
PLACE OF EMPLOYMENT: COOK COUNTY JAIL

F DEFENDANT: ~~XXXXXXXXXXXX~~ SHARON L. McCricle
TITLE : I. D. O. C. LAW CLERK
PLACE OF EMPLOYMENT: LAWRENCE CORR. CTR.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: _____
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____
- D. List all defendants: _____
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____
- G. Basic claim made: _____
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

① PLAINTIFF JOHN HARPER, PRO SE BRINGS THIS COMPLAINT AGAINST SAID DEFENDANTS STATED ON 1ST PAGE.

② ON OR AROUND SEP-2006 DEFENDANT DAVIS MALICIOUSLY AND SADISTICALLY ATTACKED ME USING EXCESSIVE FORCE VIOLATING MY 8TH AMENDMENT RIGHT. I WAS A INMATE OF COOK COUNTY JAIL AT TIME IN DIVISION 9, DECK 2B.

③ DURING 3-11 SHIFT THE DOORS FOR GYM ROLLED. I ASKED THE WING OFFICER A QUESTION. HE TOLD ME TO STEP IN THE HALLWAY. I DID SO AS I AND WING OFFICER TALKED. I SAW OFFICER DAVIS WHO STATED TO ME TURN AROUND AFTER I DID DEFENDANT DAVIS HIT ME ON THE SIDE OF MY FACE AND KNOCKED ME OUT. AFTER I WAS KNOCKED OUT I WAS HANDCUFFED AND DAVIS CONTINUED TO STRIKE ME IN MY FACE AND THE BACK OF MY HEAD. UNDER COLOR OF STATE LAW AND WITHOUT JUSTIFICATION DEFENDANT DAVIS USE EXCESSIVE FORCE AGAINST PLAINTIFF CAUSING SERIOUS HARM TO PLAINTIFF AND AMOUNTS TO CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF THE 8TH AMENDMENT.

TO THE UNITED STATES CONSTITUTION AND 42 U.S.C

1983 2ND CLAUSE OF ACTION

A COUPLE DAYS OR SO AFTER THE ASSAULT

ON ME BY DEFENDANT DAVIS. I WAS IN HEALTH CARE AROUND 11 AM.

WHILE ~~DEFENDANT~~ DEFENDANT JANE DOE WAS WORKING THE HEALTH

CARE UNIT. I WAS ESCORTED FROM SEGREGATION TO HEALTH

CARE. DEFENDANT JANE DOE REMOVED MY HANDCUFF

SO I CAN BE SEEN BY THE DOCTOR. AS DEFENDANT

JANE DOE DID THIS SHE STATED. YEAH I'M

THE ONE WHO GOT YOU LOCKED UP. I'M THE ONE WHO GOT

YOU IN CHAINS. DEFENDANT JANE DOE WENT ON TO SAY

YEAH I'M THE ONE WHO GOT YOU BEAT UP BY DAVIS. (SPEAKING

OF BEFOREMENTION ASSAULT BY DEFENDANT DAVIS.) DEFENDANT

JANE DOE SAID YOU THOUGHT YOU WAS GOING TO GET AWAY

WITH HITTING MY DAUGHTER. (JALYONTA MURRIS) DEFENDANT

JANE DOE SUBJECTED ME TO A VIOLATION OF MY 8TH AMENDMENT

WHEN JANE DOE ALLEGEDLY HAD DEFENDANT DAVIS

MALICIOUSLY AND SADISTICALLY ASSAULT ME USING

EXCESSIVE FORCE. DEFENDANT JANE DOE UNDER COLOR

OF STATE LAW AND WITHOUT JUSTIFICATION VIOLATED

PLAINTIFF'S CONSTITUTION RIGHT. 3RD CLAUSE OF ACTION

DEFENDANT MS. OR MRS LEE ALSO A SHERIFF OF COOK COUNTY

JAIL VIOLATED PLAINTIFFS CONSTITUTION RIGHTS AND

IN SUPPORT OF STATES THE FOLLOWING. PLAINTIFF WHILE
IN SEGREGATION AT COOK COUNTY JAIL WAS ARRIVING BACK
TO DIVISION 9 FROM COURT. ABOUT A WEEK OR SO FROM THE
"EXCESSIVE FORCE" ASSAULT USED ON PLAINTIFF BY DEFENDANT
DAVIS. PLAINTIFF SEEN DEFENDANT MS. OR MRS. LEE.
SHE STATED TO PLAINTIFF SHE AND HER SISTER DEFENDANT
JANE DOE HAD ME BEAT UP BY DEFENDANT DAVIS.
SHE STATED ALSO THERES NO NEED TO FILE GRIEVANCES BECAUSE
THEY ONLY DISAPPEAR. DEFENDANT MS. OR MRS. LEE STATED
"DO YOU THINK YOU'LL GET AWAY WITH HITTING MY NEPHEW."
SPEAKING OF A ALLEGED INCIDENT THAT ALLEGEDLY OCCURED
TO JALYONTA MORRIS. ACCORDING TO MS. OR MRS. LEE
STATEMENT ALLEGEDLY HAVING PLAINTIFF BEAT UP BY
DEFENDANT DAVIS UNDER COLOR OF STATE LAW DEFENDANT
MRS. LEE VIOLATED PLAINTIFF'S 8TH AMENDMENT RIGHTS
TO BE FREE FROM UNUSUAL PUNISHMENT AND TO GO WITHOUT
JUSTIFICATION AND ILL INTENT. ^{4TH CLAUSE OF ACTION}
DEFENDANT FERGERSON PRIOR TO ASSAULT BY DEFENDANT
DAVIS ESCORTED PLAINTIFF INTO THE COURT ROOM 305
ABOUT A MONTH BEFORE THE DAVIS ASSAULT. WHILE DOING
SO HE TIGHTEN PLAINTIFF HANDCUFFS UNTILL HIS WRIST
WAS BLEEDING. HE ALSO RAMMED PLAINTIFF HEAD AGAINST

THE WALL TWO TIMES CAUSING DIZZINESS AND SWELLING. DEFENDANT FERGERTSON STATED TO PLAINTIFF YOU MIGHT AS WELL CO P OUT. FERGERTSON WENT ON TO SAY YOU MESSED WITH THE WRONG GIRL YOU DIDNT KNOW SHE HAD CONNECTION. FERGERTSON ALSO STATED I'M GOING TO MAKE YOUR STAY AT THE COUNTY Jail A LIVING HELL. DEFENDANT FERGERTSON, MALICIOUSLY AND SADISTICALLY ATTACKED PLAINTIFF USING EXCESSIVE FORCE. UNDER COLOR OF STATE LAW AND WITH OUT JUSTIFICATION DEFENDANT DAVIS VIOLATED PLAINTIFF'S 8TH AMENDMENT RIGHTS TO THE UNITED STATES CONSTITUTION.

5TH CLAUSE OF ACTION ON THE DAY OF THE ATTACK BY DEFENDANT DAVIS, DAVIS AFTER BEATING UP PLAINTIFF AND HANDCUFFING HIM ESCORTED PLAINTIFF TO THE SUPERINTENDENT OFFICE.

WHILE ESCORTING PLAINTIFF TO THE OFFICE DEFENDANT DAVIS ^{ASK} ~~TOOK~~ PLAINTIFF YOU LIKE TO HIT WOMEN? HOW YOU LIKE IT? WHEN PLAINTIFF ARRIVED TO SUPERINTENDENT OFFICE, DEFENDANT SNOOK STATED "I'LL KILL YOU IN HERE". DEFENDANT SNOOK STATED TO PLAINTIFF "IF YOU FILE A GRIEVANCE" (SPEAKING OF DEFENDANT DAVIS USE OF EXCESSIVE FORCE) "I'LL HAVE YOU SET UP AND THEY'LL FIND A KNIFE IN

"YOUR PROPERTY AND I'LL MAKE SURE YOU GET CHARGED."

DEFENDANT SNOOK USING HIS OFFICIAL INFLUENCE TO ATTEMPT TO THWART PLAINTIFFS RIGHT TO FILE GRIEVANCES. DEFENDANT SNOOK SUBJECTED PLAINTIFF TO A VIOLATION OF HIS 1ST AMENDMENT RIGHT TO BE ^{FREE} FROM RETALIATION, WHICH VIOLATED PLAINTIFF RIGHTS UNDER THE 1ST AND FOURTEETH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

6TH CLAUSE OF ACTION

DEFENDANT SHARON McCORKLE VIOLATED PLAINTIFFS 14TH AMENDMENT DUE PROCESS RIGHTS BY DENING HIM ACCESS TO COURT. McCORKLE IS THE LAW CLERK AT LAWRENCE CORR. CTR. SHE IS IN CHARGE OF HAVING INMATES CALLED TO LAW LIBRARY AND OVERSEEING THE LAW LIBRARY. McCORKLE ~~FAILED~~ FAILED TO HAVE PLAINTIFF ADEQUATELY CALLED TO LAW LIBRARY TO WORK ON HIS PRO-SE 1983 CLAIM (THUS BEING FILED). DEFENDANT McCORKLE STATED TO THE LEGAL CLERKS (INMATES) NOT TO HELP PLAINTIFF FILE HIS CLAIM THUS HINDERING PLAINTIFF, AND VIOLATING HIS 14TH AMENDMENT RIGHT. PLAINTIFF HAS A OVERALL 4TH GRADE EDUCATION. ACCORDING TO THE TABE TEST RESULTS TOOKEN AT LAWRENCE CORR CTR. IF DEFENDANT McCORKLE HAD NOT DENIED

PLAINTIFF'S 14TH AMENDMENT RIGHTS
TO DUE PROCESS DENYING HIM ACCESS TO COURT
PLAINTIFF WOULD HAVE FILED THIS CLAIM AT
THE PROPER TIME. UNDER COLOR OF STATE LAW
DEFENDANT McCORKLE WITHOUT JUSTIFICATION
DENIED PLAINTIFF ACCESS TO COURT AND VIOLATED
PLAINTIFF'S 14TH AMENDMENT RIGHTS. PLAINTIFF
WAS TRANSFERRED TO LAWRENCE CORR. CTR. ON OR AROUND JULY 07. STILL HAVING TIME
TO FILE HIS LAWSUIT BEFORE THE 2 YRS IS UP IF IT WASN'T FOR CLASS 6TH.
PLAINTIFF RECEIVED SUBSTANTIAL
PHYSICAL INJURY AND PSYCHOLOGICAL TRAUMA AND
EMOTIONAL DISTRESS.